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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-sixth session

SUMMARY RECORD OF THE 504th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 October 1995, at 3 p.m.

Chairman: Mr. LARSEN (Denmark)

later: Mr. MCHUMO (United Republic of Tanzania)

later: Mr. LARSEN (Denmark)

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GE.95-03501 (E)

The meeting was called to order at 3.20 p.m.

GENERAL DEBATE (agenda item 4) (continued)

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE ON INTERNATIONAL PROTECTION (A/AC.96/858)

1. The CHAIRMAN said that, if he heard no objection, he would take it that the Executive Committee adopted the report of the Committee of the Whole on International Protection (A/AC.96/858).

2. It was so decided.

3. Mr. SAHIQI (Observer for Afghanistan) said that, following the foreign occupation and prolonged war which had been imposed on its people and its economy, Afghanistan had suffered enormous losses. For various reasons, including foreign interference in its internal affairs, moreover, the country had not been able to achieve peace and thus pave the way for the repatriation of refugees. As events in the past three years had shown, the refugees would immediately start returning home as soon as the country was in a position to overcome the problems it now faced.

4. With regard to the political aspect of the current crisis, the leadership of the Islamic State of Afghanistan had always supported the efforts of the Special Representative of the Secretary-General of the United Nations aimed at a settlement and hoped that an acceptable mechanism would be worked out for the smooth peaceful transfer of power to an authority that represented the people of Afghanistan. Unfortunately, the current conditions were not conducive to the repatriation of refugees. Over 10 million mines had been spread throughout the territory, the country suffered from a lack of shelter and safe places, its agricultural and water resources systems had been destroyed, educational, health, communication and transportation facilities were non-existent, United Nations agencies, donor countries and international institutions had provided limited assistance to refugees who had returned home and the country lacked the resources and technical assistance that would enable returnees to engage in productive activities and become self-reliant.

5. Of course, the political reasons that had forced millions of Afghans to take refuge mainly in the neighbouring countries had mostly disappeared. Only international assistance would enable the refugees to return home and ease the burden borne by Pakistan and Iran for so many years. Two tripartite commissions were dealing with all problems involving Afghan refugees living in those two countries. They would have to make intensified efforts to create the required conditions for the refugees' voluntary and safe return, having in mind the resources available in Afghanistan.

6. There was no denying the fact that only the generous assistance of donors would enable Afghans to start the reconstruction and rehabilitation of their country. However, it was argued that, because of the lack of security in some parts of the country, international assistance would not reach the needy and that the appropriate time had not come for giving Afghanistan economic and technical assistance, but any delay in the resumption of reconstruction and rehabilitation activities would further prolong the war and the suffering of

the Afghan people, especially the refugees. Only internal peace and security, the availability of international support, appropriate measures aimed at meeting the immediate needs of the returnees and the reconstruction of infrastructure would encourage Afghan refugees to return home and enable them to live in dignity. The Afghan Government had welcomed the recent mission by the Under-Secretary-General for Humanitarian Affairs to Afghanistan to draw the attention of the international community to the problems faced by the Afghan people, including the refugees, and hoped that his appeal for humanitarian assistance would be met with a positive response.

7. Mrs. HART (United Nations Children's Fund) said that UNICEF's long-term presence in developing countries and knowledge of the situation of women and children put it in a position to assess, analyse and provide a strategic initial response to the needs of the most vulnerable, while facilitating the implementation of development programmes to enable both family and community to become self-reliant.

8. UNICEF was currently involved in an extensive review of its role and effectiveness in emergency situations. Consequently, it would submit recommendations to its Executive Board in January 1996 for a new strategy based on a broad appreciation of the needs of children. UNICEF would try to satisfy all the needs of all children without discrimination whenever they were affected by crises, whether they were in their own communities, displaced within their country or refugees.

9. Even before the adoption of the Convention on the Rights of the Child, UNICEF had evolved a unique mandate as a neutral advocate and mediator for children as zones of peace. That had meant actively advocating and negotiating with conflicting parties to guarantee the access of women and children to essential food and relief and to respect humanitarian principles. She had taken note with great satisfaction that UNHCR was consistently promoting the use of the Convention as a framework for meeting the needs of refugee children and UNICEF looked forward to closer cooperation with UNHCR in promoting humanitarian principles and adherence to codes of conduct.

10. UNICEF would consistently pay special attention to the needs of children in distress, as well as to unaccompanied children, traumatized children, child prisoners and child combatants. It was strongly committed to cooperation with sister agencies according to their respective mandates and terms of reference and saw its role as one of bridging humanitarian assistance and development, since its strength was its implementing capacity in the field. Given their interrelated mandates, with UNHCR approaching the protection of the vulnerable from the refugee perspective and UNICEF approaching it from the point of view of children in their country and community of origin, they had to ensure that their activities were closely coordinated.

11. By agreement with UNHCR and other organizations, including the International Federation of Red Cross and Red Crescent Societies and the International Committee of the Red Cross, UNICEF had adopted guidelines for assisting unaccompanied minors and traumatized children. Since the needs of children in humanitarian crises were enormous and resources were scarce, UNICEF was committed to optimizing its own efforts and to promoting the synergy which was essential to an effective and timely response.

12. Mr. FERY (United Nations Volunteers) said that UNV was proud to take part with UNHCR in the implementation of its strategy based on preparedness, prevention and solutions. In 1994, UNV specialists had supported the implementation of UNHCR programmes in areas as varied as emergency preparedness and response, reception, protection, transit, repatriation and resettlement and camp management. UNV had worked together with UNHCR in conflict situations, such as those in Rwanda and the former Yugoslavia. In 1994, some 200 volunteers had served with UNHCR in 27 countries; over 100 were serving at present, the majority in Rwanda, Burundi, Mozambique and the former Yugoslavia. To work even more efficiently together, UNV and UNHCR had established a mechanism rapidly to deploy United Nations volunteers to serve in emergency situations. The support of Governments, including Japan, Ireland, Sweden, the United Kingdom, Canada and the United States, had been crucial.

13. Host countries often lacked the necessary resources to receive refugees and there was thus an urgent need to strengthen the national capacity of the most affected States. In countries of origin, support was also needed to find sustainable solutions to halt the flow of persons in flight and to prevent the repetition of such tragic events. Solutions must necessarily include the prevention of problems through the use of the tools of conflict resolution and reconciliation efforts. UNV could contribute to community-based operations launched by UNHCR both in host communities and in countries of origin. At present, UN volunteers were at work in Burundi with the Special Representative of the Secretary-General and in Georgia in cooperation with NGOs and were contributing directly to the building of local capacities in community-based confidence-building, reconciliation, reintegration and peace promotion. In that context, UNV was prepared to build further linkages with UNHCR's quick impact projects (QIPS). Experienced professionals from both industrialized and developing countries recruited as UNV specialists for a duration of three months to two years could be fielded in virtually all sectors of UNHCR involvement.

14. Mrs. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) said that the International Federation and its member National Red Cross and Red Crescent Societies had a strong interest in activities on behalf of refugees and displaced persons throughout the world because over 60 per cent of their activities focused on those population groups. Those societies had been working closely with UNHCR for a long time and hoped that such cooperation would continue.

15. UNHCR's operations in the Great Lakes region of Africa and the plight of the refugees and displaced persons in Rwanda and the region had been of great concern to the International Federation. The recent decision to initiate the programme of safe return to Rwanda of refugees from Zaire required careful analysis and close cooperation between UNHCR and those organizations which were currently assisting refugees. That programme must be implemented at a pace that would enable the Rwandan authorities to receive the returnees. The international community must, as a matter of urgency, increase its support to the Government of Rwanda to ensure that both the population of Rwanda and the returnees were assisted adequately. However, that very exceptional situation must not become a standard for the future.

16. In the former Yugoslavia, the peace process, which appeared to be gaining momentum, must not be undermined by untimely returns or population movements. The International Federation endorsed UNHCR's cautious strategy with regard to repatriation, in particular the concept that persons who had taken refuge in neighbouring countries would be repatriated first and only to areas that were safe and ready to receive them. The Red Cross Societies in the region would continue to assist those in need.

17. Since there had been no new large-scale refugee emergencies in 1995 of the kind which had taken place in the Great Lakes region in 1994, the International Federation had been able to review its emergency response capacities, learn lessons from the Rwandan emergency and start setting up emergency response units which it would use in future situations.

18. A number of Red Cross and Red Crescent Societies was concerned about UNHCR's entry into private sector fund-raising. While it was, of course, understandable that the Executive Committee should want to establish a broader funding base and attract support among the general public, such campaigns should take care in future not to undermine existing fund-raising mechanisms of national organizations which were already carrying out refugee-related work. In that connection, she welcomed the High Commissioner's decision to suspend direct mailing activities in most donor countries.

19. With regard to protection, she agreed with the High Commissioner that emphasis should be placed on crisis prevention and on a more proactive approach in order to ensure conditions conducive to safe return. Such an enormous task could, however, be undertaken successfully by UNHCR only with the full and active support of Governments, effective coordination within the United Nations system and cooperation with the relevant local and international organizations. With its network of 163 National Red Cross and Red Crescent societies, the International Federation was prepared to play its appropriate role in that regard.

20. She also emphasized the need to integrate the problems of violence directed specifically against women and the situation of child soldiers into existing programmes. Greater attention had to be paid to reproductive health and psychosocial support. In several areas, anti-personnel land-mines continued to be a real threat and an obstacle to safe return and rehabilitation.

21. Lastly, she indicated that some of the key issues in relation to refugees and displaced persons would be considered at the International Conference of the Red Cross and the Red Crescent, which would be held in Geneva in early December and would draw on the results of the Executive Committee's current session and the dialogue with UNHCR.

22. Mr. MEJIA SOLIS (Nicaragua) said that it was usually political problems which forced persons or groups of persons to leave their country because they rightly feared persecution for reasons of race, religion, nationality, membership of a social group or political opinion or because their lives, safety or freedom were threatened by widespread violence, foreign aggression, internal conflicts, massive violations of human rights or other factors seriously disturbing public order.

23. It would be remembered that, on the American continent and in Latin America, in particular, the 1984 Cartagena Declaration had placed the question of refugees, displaced persons and returnees in the broader context of respect for human rights and the building of peace, primarily in the Central American region. Protection had thus been extended to a much larger number of persons, including internally displaced persons, who had until then been left to their own devices and had been subject to violence, repression, internal conflicts and massive human rights violations.

24. On the basis of the Cartagena and San José Declarations, his Government considered that the greatest importance must continue to be attached to the principles of refugee protection and the basic standards of treatment they should be given in all circumstances and that it was important to find durable solutions, involving, in particular, voluntary repatriation and local reintegration. To that end, he appealed to the solidarity of the international community. So that there would be no more forced migrations as a result of violence, as had been the case in Central America in the 1980s, the Governments of the countries of that region had had to fight hard for sustainable development based on the principles embodied in the Alliance for Sustainable Development in Central America, signed in Managua. He also recalled that the International Conference on Central American Refugees had introduced something new by taking account not only of refugees, but also of other groups of uprooted persons. An uprooted person was a returnee who had come back to his place of origin, but had not yet been truly reintegrated. That was a big step forward because it showed it had been understood that return in itself did not mean that the problem had been solved on a lasting basis.

25. On a broader scale, the major crises that had shaken the world in the past few years demonstrated that it was difficult to find the way to peace and prosperity. His delegation nevertheless took note with a great deal of hope of the positive trend that was taking shape in the Middle East, the territories of the former Yugoslavia and other parts of the world.

26. His delegation agreed with the priorities set in the High Commissioner's introductory statement and the documents prepared by UNHCR. In the first place, measures for the protection of refugees, both in individual cases and in mass influx, had to be strengthened. Secondly, durable solutions had to continue to be found, on the basis of an unbiased approach, as soon as a crisis began. Thirdly, account had to be taken of persons displaced internally for the same reasons as persons who had had to flee their country. Fourthly, humanitarian problems and the rights of refugees and other uprooted persons had to be made widely known so that their treatment might be based on highly humanitarian concerns. Lastly, there had been a tendency to consider that the refugee problem could never be solved and that it caused difficulties only in host countries. An impartial analysis of various cases of resettlement showed that, if refugees were given the opportunity, they could make a valuable contribution to the countries which allowed them to stay in their territories.

27. His delegation particularly agreed with the High Commissioner's idea of establishing sounder cooperation and coordination with the specialized agencies of the United Nations system in order to avoid any duplication of

work. It also warned about the risk of forgetting the role that international financial institutions could play in resettlement and social development. As far as voluntary repatriation was concerned, Nicaragua was convinced that a return home was not the only durable solution. In Central America and South America, experience had shown that returnees needed material assistance in order to succeed in becoming economically reintegrated, as well as legal assistance to recover the full exercise of their civil and political rights. However, helping returnees was not enough if the difficult situation of displaced persons near hosting areas for refugees was overlooked. It had therefore been wisely decided that assistance should be given to displaced persons and to persons who had never been uprooted, but who also had pressing humanitarian needs. The Nicaraguan authorities had been working along those lines in cooperation with UNHCR and with the support of the European Commission.

28. As Nicaragua had already stated, prevention based on full respect for national sovereignty was an important principle for individuals and for States because it consolidated peace and reconciliation and improved the well-being and safety of persons. Increased awareness of humanitarian problems was one of the best means of protection and even of prevention. As the High Commissioner had stated, genuine prevention depended on the strengthening of the willingness and capacity of Governments to act individually and collectively to eliminate the root causes of refugee flows. The Government of Nicaragua again paid tribute to the wonderful work that the staff of UNHCR was doing at the price of enormous sacrifices and dangers under the enlightened leadership of the High Commissioner. He hoped that the international community as a whole and the major donors in particular would mobilize so that humanitarian actions could continue to be carried out wherever necessary.

29. Mr. KABAIJA (Observer for Rwanda) expressed his Government's deep gratitude to the High Commissioner and the members of the international community for their untiring support for the people of Rwanda both inside the country and abroad. The Government of Rwanda called on all peace-loving peoples in the world to help solve the Rwandan refugee problem, which had assumed unprecedented proportions following the outbreak of genocide and civil war. Millions of persons had been driven out. They included, in the first place, genuine refugees fleeing the war; secondly, political leaders, political activists and Interahamwe militia who had planned and/or implemented genocide; and, thirdly, soldiers of the former regime, most of whom had carried out the genocide, politicians and soldiers who had urged the refugees to flee with them by using force and broadcasting messages on the radio. The entire world had seen them on television as they had plundered and carried off anything that could be moved. They had continued to murder with impunity not only innocent refugees in the camps, but also nationals of the asylum countries. According to some reports, the former political leaders continued to exercise the right to kill and save in the camps and to commit acts of intimidation, as the staff working in the camps could testify.

30. It was true that the situation in the camps had been stabilized to some extent, but it was standard practice that the refugees were organized according to the same administrative structures as in Rwanda and were administered by the former leaders of the country, who used them as shields or

bargaining chips. Those former leaders had to account for the massacres in which millions of Rwandans had died. The international community also had to continue to help Rwanda so that justice would be done.

31. His delegation had therefore been shocked to learn that 12 of the persons responsible for the genocide who had played a role in the attempt which had cost the life of President Habyarimana were safe on the streets of Nairobi. What did the Government of Kenya want? Why was it calling the civil war that had torn Rwanda apart before the genocide an external invasion? Why bring up questions in the Executive Committee that were not within the Committee's mandate?

32. Innocent refugees had to be helped to go home at whatever cost. The Rwandan Government was prepared to take back all the fugitives, even those involved in genocide. They were Rwandan and it was better for them to return to Rwanda to face justice. As the President of the Republic of Rwanda had stated during the High Commissioner's last visit to the country, the return home of all the refugees was without preconditions and the right to repatriation was inalienable. In the past 13 months, about 2 million Rwandan refugees - long-term refugees or persons who had left in 1994 - had returned home.

33. Since the Bujumbura Conference, close to 100,000 refugees had repatriated from Burundi and the process was continuing, with daily arrivals of over 1,000 returnees. Repatriation from Zaire had been slower, with daily average returns of about 500 persons in the past five months, but it should speed up as a result of the recent intensified efforts being made by the Governments of Zaire and Rwanda and by UNHCR. The pace of repatriations from the United Republic of Tanzania was slower still, but a campaign was being waged in cooperation with the Tanzanian authorities and UNHCR to combat misinformation. Most of the refugees in the United Republic of Tanzania should have returned to Rwanda within the next six months and all those in Burundi, within three months. The Government of Zaire had stated that it wanted to repatriate all of the Rwandan refugees in its territory.

34. The High Commissioner and the international community should, without delay, take up the question of the repatriation of Rwandan refugees from Zaire, where the resources of local communities were diminishing. The delegation of Zaire had indicated at the forty-fifth session of the Executive Committee that ongoing political changes in Zaire meant that the refugees had to leave. In addition, armed elements from refugee camps continued to filter into Rwanda along the western border to destroy infrastructure and murder Rwandan citizens. The combination of all those factors only made the problem worse. Action therefore had to be taken now.

35. With the support of the international community, the Government of Rwanda was reconstituting the judiciary and improving conditions of detention in prisons. Administrative structures at all levels had been restored and UNDP was helping to rebuild the public service sector. However, the resettlement and reintegration of returnees was an enormous challenge. Shelter was a matter of particular concern and the Government lacked the necessary resources to change the situation. In January 1995, donors had pledged contributions of about $1 billion, of which only 30 per cent had been paid. Security had been

re-established in the country. Any incidents which occurred were not widespread and were not government policy. The Government had issued directives to protect the property of those now in exile. All levels of administration and the general public had been mobilized to ensure that land and houses provisionally occupied by homeless persons were given back to their rightful owners on request. The Government would continue to cooperate with the United Nations Mission in Rwanda, the human rights observers, the United Nations military observers and the UNHCR Protection Division in ensuring the security and safety of returnees. Rwanda invited the international community to strengthen security even more by providing the national police with the resources it needed, including transport and communications equipment.

36. Mr. BENJELLOUN-TOUIMI (Morocco) said that, at the time when the fiftieth anniversary of the establishment of the United Nations was being celebrated, the situation was very serious. Over 27 million persons were receiving assistance from UNHCR. The number of refugees on the African continent alone was half the total number of refugees throughout the world. The scope of the exodus from Rwanda was very symbolic of the human tragedy Africa was experiencing. UNHCR deserved praise for the speed and courage with which it had dealt with that situation despite its lack of resources. The "camp safety" operation it had started up a few months previously to protect the Rwandan refugees was beginning to bear fruit. It had also achieved significant results in the Horn of Africa and it was to be commended on the enormous repatriation operation to Mozambique, in which NGOs had taken part. The restoration of peace in Angola and the ongoing process of national reconciliation in that country had raised many hopes and it was clear that UNHCR would not spare any efforts to facilitate the refugees' repatriation and resettlement.

37. Africa was unfortunately not the only continent where crises had led to mass inflows of refugees seeking assistance and protection. It was a matter of regret that the overwhelming majority of refugees in the world came from Muslim countries. From Rwanda to East Africa, from the former Yugoslavia to the Caucasus and from Central Asia to the Caribbean, one could only share the concerns of countries of origin shaken by serious tragedies involving the fate of hundreds of thousands of human beings, as well as those of host countries, whose burden must be eased through increased international solidarity.

38. The international community's attention had once again focused primarily on the situation in the former Yugoslavia. An unacceptable threshold had been reached when the United Nations security zones in Bosnia and Herzegovina had been invaded by the Bosnian Serb aggressor and emptied of most of their inhabitants, who had been driven out or reported missing. In that conflict as well, the humanitarian organizations and UNHCR in particular were to be commended on the courage they had shown in mobilizing to help the vulnerable population, despite the problems encountered in delivering humanitarian assistance. His delegation also paid tribute to the many UNHCR officials who had died trying to help refugees and displaced persons in difficult conditions. At a time when the prospects for peace seemed to be taking shape more clearly, Morocco appreciated the efforts UNHCR had been making to organize the voluntary repatriation of refugees and displaced persons in

safety and dignity when peace had been re-established. As a member of the UNHCR Executive Committee and President of the Organization of the Islamic Conference, Morocco assured UNHCR of its cooperation.

39. In recent years, the world had witnessed shameful practices that endangered the physical and mental integrity of refugees. Practices such as ethnic cleansing had to be condemned without appeal and harshly punished. Morocco welcomed the establishment of international tribunals to try the crimes committed in the former Yugoslavia and Rwanda and urged that the persons responsible for those crimes should be prosecuted, tried and not allowed to benefit from any special arrangements. UNHCR's efforts to protect women and children, the most numerous and vulnerable elements in refugee camps, should be encouraged.

40. Although refugee protection was one of UNHCR's most noble tasks, priority should continue to be given to the durable solution of voluntary repatriation in safety and dignity. Since UNHCR encouraged repatriation operations in all parts of the world, it was difficult to understand why it had not done anything along those lines in the past 20 years on behalf of the population of the Tindouf camps in Algeria. Morocco continued to attach great importance to the speedy implementation of the settlement plan adopted by the Security Council for the holding of a referendum without any delay. That position had been recalled at the fiftieth session of the General Assembly. The dramatic situation in the camps and the efforts being made by the Frente Polisario to delay the implementation of the settlement plan should prompt UNHCR to try immediately, in accordance with the commendable new guidelines it had submitted, to find the necessary durable solutions to allow for the voluntary repatriation of the Saharans. His Majesty Hassan II, the King of Morocco, had on many occasions appealed for return of the refugees, recalling that the homeland was kind and forgiving. Morocco had always been known for its age-old traditions of generosity, kindness and tolerance, which were democratic virtues par excellence. The amnesty that had been granted to many of those who had taken up arms against it was the best proof. The King's appeal to all Saharans gave national and international public opinion and, thus, UNHCR the guarantee that refugee protection would be fully ensured.

41. A few days earlier, several Saharans had escaped from the Tindouf camps and given testimony about the very harsh restrictions and intolerable harassment to which the refugees were subjected. The Frente Polisario's administrative and police apparatus and the military authorities of the host country prevented them from leaving the region. Such a situation was unacceptable. The camp population, which had inexplicably never been counted by UNHCR, had to be able to make its choice freely in the presence of the United Nations, observers and the international press. Morocco therefore made a sincere appeal, without any intention of stirring up disputes, that UNHCR should review the situation in the light of the new guidelines that had been defined, thereby helping to find a satisfactory and durable solution to the problem.

42. Speaking in exercise of the right of reply to deny the unfounded statements by the representative of a neighbouring country who had referred to invasion and decolonization in connection with the so-called "Western Sahara", he said that, although its legitimate rights to the Sahara had been recognized

by the International Court of Justice in 1975, Morocco had agreed that the United Nations should organize a referendum in the Sahara to enable the population concerned to exercise its right to self-determination. Morocco was thus not a colonial country. To say that it was tantamount to presenting in a totally distorted light the question of "Western Sahara", which had originally been called "Spanish Sahara" and in respect of which the competent regional and international authorities had never recognized any other colonial administering Power than Spain, having always drawn the necessary legal and political conclusions therefrom. Was there, moreover, any need to recall Morocco's record in favour of decolonization and the struggle of peoples for self-determination, whether in neighbouring Algeria, in South Africa or in the former Portuguese colonies, whose liberation movements had been formed in Morocco in the early 1960s?

43. The problem of the Sahara was now the problem of the international community, which had opted for a settlement by the United Nations Security Council. Since the settlement plan accepted by the two parties and endorsed by the Security Council contained no provision on the start of a dialogue, it would be better for them to refrain from making recommendations. In other words, they must stop talking about dialogue, direct negotiations and other types of subterfuge that only complicated the task of the United Nations. Morocco, for its part, would continue to cooperate fully with the United Nations and to help it, including with resources, to do its work of completing the peace process that had been opted for.

44. Mr. LEE (Observer for the Republic of Korea) said that his delegation strongly supported the strategy of preparedness, prevention and solutions which was being advocated by UNHCR to confront its increasingly complex and increasingly heavy responsibilities. A paramount goal in that regard must be to prevent refugee-producing situations by reacting rapidly to emergencies and providing protection to avert new refugee flows. One solution was to tackle the root causes of crises directly by strengthening the will and capacity of Governments to pre-empt the reasons that forced people to flee. Even if that aspect of prevention was not UNHCR's direct responsibility, it would undoubtedly facilitate its task. Another aspect of effective prevention was deterrence, a key component of which was the threat of punishment. The Republic of Korea therefore fully supported the establishment of an international criminal court for human rights violators.

45. UNHCR's overarching mandate was protection. In providing for the security of refugees and asylum-seekers, his delegation continued to stress the importance of the principle of non-refoulement. The rapid processing of asylum applications was an important aspect of protection, although it must not be forgotten that voluntary repatriation was usually the most desirable solution. Legal instruments based on the 1951 Convention relating to the Status of Refugees and its 1967 Protocol guaranteed de jure international refugee protection, but what was the de facto situation? The international community had to adopt a pragmatic approach by formulating temporary non-binding guidelines to fill gaps in existing instruments. One of UNHCR's key policy issues was the protection of refugee women and children. The Republic of Korea welcomed the emphasis that had been placed on that particularly vulnerable group and hoped that operational action would be in line with the objectives set.

46. It was also of great importance to find durable solutions to the refugee problem and his country welcomed UNHCR's efforts to ensure a meaningful continuum from relief to development and promote the self-sufficiency of refugees in the most severely affected areas by implementing measures such as quick impact projects. It went without saying, however, that that strategy could not succeed without the strong support of Governments and closer coordination with other United Nations agencies, international financial institutions and the NGOs concerned. The role of NGOs was, moreover, very important and should be increased because they could help to fill any gaps that might exist. For example, Korean NGOs had participated actively in relief activity by providing medical staff and raising the equivalent of $1.3 million in cash and in kind for Rwandan refugees. In order to strengthen the capabilities of NGOs, Korea would like UNHCR to continue to promote training activities, particularly in developing countries, such as the Republic of Korea.

47. His delegation's last point related to the need to expand UNHCR's leadership to enable it to cope with its growing responsibilities. The proposed creation of the post of a new Assistant High Commissioner for policy, planning and operations would seem to meet that need. The Republic of Korea also welcomed the measures taken by UNHCR to guarantee women more equitable treatment in its recruitment policy. In that connection, it joined the delegation of Japan in requesting UNHCR to pay more attention to the principle of recruitment based on equitable geographical distribution. With regard to the membership of the Executive Committee, it suggested that rotational membership might be considered in the context of overall United Nations reform.

48. Mr. MACDONALD (United Nations Population Fund) said that the plight of refugees and displaced persons was only marginal to UNFPA's mandate, since its main task was to provide support to developing countries on population matters. In general, it had until recently dealt mainly with providing reproductive health services in refugee camps in the form of prenatal, childbirth, postnatal care and attention to infants and children. In the past two years, it had begun to organize the distribution of condoms. However, it had become clear that the reproductive health needs of refugees were as great if not greater than those of the general population. Key issues included safe maternity care, access to family planning services, the treatment and prevention of sexually transmitted diseases, including AIDS, the prevention of and response to sexual violence, gynaecological care, the prevention and treatment of complications arising from unsafe abortion and the prevention of female genital mutilation.

49. In 1994, UNFPA had turned its full attention to the reproductive health needs of persons in emergency situations. In May 1994, it had thus established a policy on emergency relief operations which recognized that refugees and internally displaced persons had the same right to reproductive health as anyone else; in June, the Fund's Executive Board had approved funds to provide emergency assistance in Rwanda; and, in September, the International Conference on Population and Development had adopted a programme of action which included objectives and guidelines for assistance to refugees. In November, UNFPA had set up its Emergency Relief Operations Office in Geneva, whose main task was to define options to provide responses to the

reproductive health needs of persons in emergency situations and to coordinate the resulting activities. That unit would henceforth promote and reinforce reproductive health-care services for refugees.

50. Aware of the need to create a new vision among staff at Headquarters and in the field, UNFPA and UNHCR had organized the Inter-Agency Symposium on Reproductive Health in Refugee Situations, which had been held in Geneva from 28 to 30 June in cooperation with UNICEF and WHO and with the participation of over 50 agencies and NGOs. Key recommendations by the Symposium had consisted of creating an inter-agency committee to ensure that reproductive health services were implemented and strengthened and to produce a comprehensive field manual to facilitate the optimalization of those services. Continuous staff training was also essential in order to ensure high-quality services.

51. On 30 June 1995, UNHCR and UNFPA had signed a memorandum of understanding formalizing the cooperation efforts of the two bodies. The purpose of the agreement was to establish an overall framework for collaboration and coordination between UNFPA and UNHCR for the benefit of persons of concern to UNHCR. UNFPA was obviously not setting up a new parallel structure for assistance to refugees and internally displaced persons; it would channel its assistance through its country offices and subregional technical support teams in close cooperation with agencies and non-governmental organizations active in emergency programmes.

52. Mr. GOAGOSEB (Namibia) said that the restoration of peace and democracy in several countries of southern Africa and in Malawi and Mozambique, in particular, had enabled over 1.6 million refugees to return home. The peace process that was moving ahead in Angola should pave the way for other repatriations. Those positive changes in the region were an illustration of the link between humanitarian action and political initiatives to promote peace and respect for human rights, as well as development in its broader sense.

53. Despite that favourable context, however, large numbers of persons were still trying to leave the region because they considered that they would have better opportunities elsewhere. Those population movements were attributable in part to retrenchments resulting from economic structural adjustment programmes recommended by international institutions and the difference in treatment between asylum-seekers and refugees, particularly in the provision of assistance to which such persons were entitled. The population movements in question had taken on such proportions in southern Africa that they could cause conflicts and xenophobia in some places. Namibia, for example, was used as a corridor or transit country for such migrating groups. The international community, assisted by the relevant humanitarian agencies, should take a serious look at that problem, with the political will to establish a lasting peace throughout the world, since the humanitarian assistance that could be given to the civilian population could never be more than a palliative.

54. Namibia, which had acceded to all international instruments on refugee protection, was committed to assisting persons seeking refugee status within its borders. However, its open-door policy invited asylum-seekers from countries as far away as Liberia and the question of countries of first asylum

had to be seriously reconsidered. Namibia would continue to provide its unwavering support to UNHCR, whose work it greatly appreciated, and would take an active part in the various inter-sessional meetings to try to deal with the challenges of the refugee problem.

55. Mrs. CASSARINO (Observer for Uruguay), referring to the Note on International Protection (A/AC.96/850), said that her delegation fully supported UNHCR's efforts further to strengthen international refugee protection and provide sounder legal foundations for persons who needed such protection. The events of the past year, which had been characterized by ethnic conflicts and human rights violations, had brought out even more sharply the basic importance of the concept of asylum and such fundamental principles as that of non-refoulement. Her delegation had been pleased to find that the Note specified that the new strategies had to be designed primarily to strengthen the implementation of the Convention and the Protocol. In order to identify new approaches to protection, emphasis also had to be placed on the need for States parties to fulfil the legal obligations deriving from those instruments as minimum standards which could not be lowered and must serve as a point of departure for expanding international protection and interpreting it generously. In that connection, Uruguay shared the concerns that had been expressed about some restrictive interpretations of the Convention and the Protocol, which might lower the level of protection to which refugees were entitled, and appealed to all countries to ensure that the regional instruments which would be drafted and the new principles that would be established on temporary protection would not weaken the minimum standards of protection guaranteed by the legal instruments in force.

56. Uruguay nevertheless recognized that the dangers that threatened the institution of asylum could not be eliminated unless account was taken of the needs of host countries and measures were adopted to prevent new crises from breaking out. In the part of the Note relating to international solidarity (paras. 14 et seq.), reference had rightly been made to social, economic, political and environmental conditions which could give rise to flows of refugees and influence the attitude adopted by host countries, as well as the factors for the voluntary repatriation and resettlement of refugees in satisfactory conditions of safety and dignity. As a Latin American country, Uruguay was particularly aware of that economic dimension of the refugee problem, which required structural solutions to promote development and combat poverty, as well as to strengthen the material capacities and political will of countries to which refugees fled in large numbers. Uruguay had welcomed with interest the definition of a new type of protection aimed at finding specific solutions and fully shared the idea that there could be no effective and definitive solution to the refugee problem unless it was based on the idea of protection and individuals were guaranteed their fundamental rights.

57. Mr. AYALA LASSO (United Nations High Commissioner for Human Rights) said that, since human rights violations were one of the major causes of population displacements both internally and externally, preventive strategies must include appropriate measures to protect, strengthen and promote all human rights. Although it was important, as a durable solution, to eliminate the root causes of population displacements, the groundwork also had to be done to prepare for the return of displaced persons. Hence the need first to guarantee respect for fundamental human rights.

58. The proliferation of conflicts throughout the world was putting the traditional mechanisms and procedures for refugee assistance under severe strain. Approaches to new patterns of displacement had had to be adopted. One method was to grant temporary protection to groups according to an area approach in order to relieve the pressure on mechanisms considering individual applications for asylum. At the same time, pressure from public opinion in some countries had made it necessary for the authorities to distinguish between those fleeing poverty, often called economic migrants, and those who were genuinely in need of protection. It should be noted that the largest burden resulting from mass displacement was carried by poor countries, to which he was particularly grateful.

59. To adapt to new realities, UNHCR had had to include in its mandate assistance to groups of persons not normally covered by the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, including those displaced by armed conflicts and, in some cases, internally displaced persons. UNHCR's approach was based on two important considerations. The first was that the displaced often faced a multitude of obstacles that prevented them from returning, so that a repatriation process could be successful only if all problems were dealt with simultaneously. The second was that the problems faced by populations living in separate countries, but within one region, could be so interlinked that they could not be solved by isolated country mechanisms. It was obvious that dealing comprehensively with problems of such a magnitude far exceeded the capacities of any one organization. The cooperation of all the parties concerned was necessary. Experience showed, moreover, how helpful cooperation in the United Nations human rights programme between States, intergovernmental organizations and NGOs could be. The frameworks of cooperation with the Council of Europe, the European Union, the Organization of African Unity, the Organization of American States, the Organization of Baltic States and the Organization for Security and Cooperation in Europe (OSCE) had proved to be extremely effective.

60. The human rights field operations, including human rights monitoring and technical assistance activities, in the territory of the former Yugoslavia were examples of the increasing importance being attached by the Commission on Human Rights and the Office of the High Commissioner for Human Rights to comprehensive regional human rights strategies. Now that the peace process was beginning in Bosnia and Herzegovina, many tasks awaited the international community: preventing human rights violations; investigating those that had already been committed; monitoring the general human rights situation, particularly to encourage the return of refugees and displaced persons; reporting human rights violations to local and national authorities, as well as to the relevant organizations; providing human rights training to the staff of the military and civilian components of peace-keeping forces; offering the necessary technical cooperation programmes for the establishment or strengthening of the judiciary and of national human rights institutions; and providing support for human rights education programmes and human rights community development activities.

61. As High Commissioner for Human Rights, he intended to do everything he could to facilitate the implementation of human rights related activities by the relevant United Nations agencies and programmes, as well as by regional organizations such as OSCE and the Council of Europe. To that end, he would

shortly begin consultations with the United Nations High Commissioner for Refugees and other interested partners, such as Governments, United Nations agencies, European organizations and NGOs, with the aim of arriving at a comprehensive human rights action plan for the former Yugoslavia so that a clear division of labour could be agreed upon on the basis of shared objectives and the priority needs of the populations affected by the war. Measures had already been taken to increase the presence of human rights observers in Zagreb, Mostar, Sarajevo and Skopje. He had also started a dialogue with the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to establish a continuous human rights presence throughout the entire territory of the Republic.

62. The importance attached to global humanitarian strategies was also reflected in his participation in activities such as the Conference of Great Lake States which had been held in Bujumbura. His approach was that activities which improved the situation in one country would automatically have positive consequences for the neighbouring countries and it was therefore important to coordinate the different existing programmes in the subregion, including the activities of the three country rapporteurs for Burundi, Rwanda and Zaire appointed by the Commission on Human Rights. It was in that context that his decision to deploy the human rights field operation in Rwanda and to increase the capacities of the office in Burundi must be seen. An office was also being set up in Zaire to ensure a continued presence in that part of the region.

63. Other examples of regional approaches included participation in and support for the forthcoming conference on refugees, returnees, displaced persons and related migratory movements in the Commonwealth of Independent States and relevant neighbouring States. Regional approaches were also under consideration for other regions.

64. One of the lessons learned from UNHCR's experience and his own initiatives was that it was vital to re-establish the confidence of the affected populations and give them full protection. In the context of the Human Rights Field Operation in Rwanda, several measures had been taken to meet security needs, including the deployment of human rights officers to monitor conditions in districts and the provision of advisory services and technical assistance to help the authorities review domestic law and practice and improve the capacities of the judiciary, including the strengthening of courts, the training of police and improved conditions for detainees. It was difficult to promote justice when the lack of capacity meant that thousands of persons would have to await trial for an indefinite period of time. It was, of course, necessary to break the tradition of impunity, but the suffering endured by detainees and their families created additional challenges for reconciliation and rehabilitation.

65. Cooperation between UNHCR protection officers and human rights officers in the field had been constructive. A memorandum of understanding between the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights provided a framework for cooperation between the two parties in the context of the operation in Rwanda. Their joint efforts were designed to ensure the convergence of the principles of human rights law, humanitarian law and refugee law in order to guarantee similar treatment for

persons in similar circumstances. Those joint efforts had also related to activities to identify early-warning indicators of refugee flows and mass displacements of population.

66. The success of activities to prevent and alleviate the suffering of displaced persons and find a durable solution to their problems depended on a number of factors. Beyond the question of adequate resources, an important factor was the capacity carefully to analyse previous actions in order to learn the necessary lessons. That was the only way to advance methodically towards the objectives set. In view of the interaction between refugee problems and human rights violations, a rapid response in an emergency situation would depend on close coordination between mechanisms of the United Nations system. He was fully aware of that fact and would therefore spare no effort to ensure that his Office and the Centre for Human Rights cooperated closely with UNHCR.

67. Mr. MALLOW (Observer for Djibouti) said that the refugee problem had never been as serious as in recent years. Massacres had been committed in camps and thousands of persons seeking asylum had died in exile. Many African and European countries were closing their borders to refugees fleeing danger. In view of the mass inflow of refugees, some States had considered that their very existence was threatened. If humanitarian obligations were to continue to be honoured, the international community had to give all the necessary support to host countries which had taken in and continued to receive hundreds of thousands of refugees despite the political, economic and social problems they faced.

68. Since it had acceded to independence, the Republic of Djibouti had not stopped taking in successive waves of refugees caused by the conflicts that had been tearing the region of the Horn of Africa apart for the past 20 years. The repatriation operations to Ethiopia had hardly eased the burden the country had to bear and it still had to cope with the massive presence of uprooted populations. There were about 25,000 Somali refugees and several thousand Ethiopian refugees now in Djibouti's refugee camps. In addition to the refugees for whom the international community had assumed responsibility, tens of thousands of persons had settled spontaneously in more or less precarious conditions in the town of Djibouti, thereby seriously damaging the environment. The country's sparse social infrastructure was being sorely tried and could no longer meet the population's basic needs.

69. Thanks to UNHCR, the repatriation of 15,000 urban Ethiopian refugees was under way, but it should not be expected that that operation would solve the problem once and for all because persons who had been repatriated often left again some time later. The implementation of development programmes in the regions from which such persons came was still the only durable solution. There were some glimmers of hope for the Ethiopian refugees, but the problem was still unsolved as far as the Somalis were concerned because they had practically no prospects of repatriation in view of the worsening of the situation in north-west Somalia.

70. For families in Djibouti, who were already feeling the effects of the economic crisis in the country, that situation was increasingly difficult to bear. His delegation therefore urged the international community to

intensify its efforts to help the country fulfil its humanitarian obligations. For three long years, Djibouti had been going through a civil war. However, thanks to wisdom on both sides, a peace agreement had been signed on 26 December 1994 between the Government and the Front for the Restoration of Unity and Democracy (FRUD). Efforts to rebuild the country and eliminate the effects of the war were continuing. UNHCR and the international community could help by assisting the Government of Djibouti to repatriate its nationals who had gone into exile in neighbouring countries and to draw up an assistance programme for persons who had spontaneously returned to their place of origin and those who were still internally displaced.

71. Developments in the situation in Somalia since the withdrawal of the United Nations continued to worry the Djibouti authorities. The humanitarian tragedy that had led the United Nations to intervene could take place again if the international community turned away from that wounded country. The consequences of such a situation would be disastrous for the Somali people and all countries in the Horn of Africa, which were already paying a high price, and for the international community, which had invested hundreds of millions of dollars to get the country back on its feet.

72. The Republic of Djibouti was aware that humanitarian crises were becoming increasingly numerous and that the resources made available to UNHCR were all out of proportion to the work entrusted to it. While fully supporting measures to improve programme management, the Djibouti delegation drew attention to the imbalance in the distribution of resources between regions. Although Africa was the continent most affected by humanitarian crises, the resources made available to help African refugees were diminishing. It must be ensured that those refugees, who felt more and more abandoned, benefited from equitable assistance and protection.

73. His delegation drew attention to the precariousness of repatriation operations, including those from Djibouti to Ethiopia. In its view, the factors which gave rise to population displacements were still primarily economic and UNHCR and the international community therefore had to give priority to development activities in countries of origin to enable returnees to start new lives. It had great hope in the ongoing process of conflict resolution at the regional level and the initiatives recently taken in support of the development programmes of the member countries of IGADD, since it was convinced that action had to be taken upstream to prevent crisis situations.

74. Mr. MEGHLAOUI (Algeria), speaking in exercise of his right of reply, said that he was sorry to speak at such a late hour. He had no intention of entering into a debate or bringing up matters which the delegations present knew only too well, but in view of the allegations made by the representative of Morocco, he had an obligation to recall what he had said the day before about the question of Saharan refugees. His delegation had reaffirmed Algeria's determination to continue to provide assistance to the Saharan, Malian, Nigerian and other refugees who had found asylum in its territory. It had also appealed to UNHCR to provide Saharan refugees with more substantial assistance because they depended entirely on foreign aid and lived in a region that was nothing but desert. In its analysis of the causes of the problem, it had merely drawn attention to the facts, noting that the territory of Western Sahara had been invaded in 1975 by two neighbouring States. The first

major refugee flow had begun at that time. One of those two States had withdrawn in 1979 on the basis of an agreement concluded with the Frente Polisario after direct negotiations. However, the other invading State had not yet withdrawn. The Frente Polisario had been recognized by the international community as a party to the conflict in Western Sahara.

75. The position of the international community was clear: Morocco had no sovereignty over Western Sahara. Otherwise, how could the United Nations decision to organize a referendum be explained? When there was a refugee problem, efforts had to be made to determine the root causes and to find solutions. That was the context of the settlement plan adopted by the United Nations. The parties concerned, including Algeria, had all endorsed it, but its implementation had been delayed and that had prompted UNHCR to update the repatriation plan it had prepared in 1991. It was high time to settle the conflict so that the Saharan refugees might finally return home. To that end, the two parties to the conflict, Morocco and the Frente Polisario, had to begin direct negotiations. Those were the facts and anything else was mere propaganda.

76. Mr. BENJELLOUN-TOUIMI (Morocco), speaking in exercise of the right of reply, said that what Algeria thought was irrelevant. A settlement plan had been drawn up and the process had to be allowed to follow its course. The question was, moreover, currently being discussed in the Fourth Committee of the United Nations General Assembly. None the less, his delegation had raised a number of humanitarian concerns that were legitimate and it expected UNHCR to respond to them, if only in private.

The meeting rose at 6.10 p.m.